App F IX-4]

192 u.rs mL File No 56-14

Previous References ( mL ) Serial Nos 92, 113, 119, 121, 124, 125, 142-144)

Later references
mL 57-M-1534-179
L B (32-B & 93 & 75
mL 62-33 (5-6-8)
L-1157-8/mL-10-45-29,30 & 15 8-45

# GENERAL & REVENUE SECRETARIAT

Serial Nos

Part B for Nov 24

SUBJECT

Re election of Mr K.K. Gurudachar as President of the City Municipal Council, Bangalore, at the meeting held on 15/11/24

No L3957 & 28/11/24 to the Commissioner, Inq

Issues revised rules for the election of Pres & Vice Pres of the City Municipal Council

HS 26/12/24

(G )R S III—1] 192 4 1

GENERAL AND REVENUE SECRETARIAT

Mund

NOTES

File No 36/24

FILE HEADING

Election of Mr B K Sundaram as Pradhan of the Co-operative Central Bank Ltd at the meeting held on 15th Nov 1924

FROM

| No | Dated | Received |
|---|---|---|

| Diary No | Enclos | Spare Copies | Serial No |
|---|---|---|---|
| | | | |

BRIEF ABSTRACT OF LETTER

NOTES AND ORDERS

C-T-O

NOTES—First Sheet

WD 1881—GPE—30,000—1-3-21

2

GRS 11] 1924-25

GENERAL AND REVENUE SECRETARIAT

( Rural )

NOTES

File No 67-24

File Heading

President and Vice Presidents of Rural Councils

From

The Rural Govt, City Rural Council, Bangalore

No 6024-25 Dated 5. 11. 24 Received 5 11 24.

Diary No 2999 | Enclos/ 1 | Spare Copies | Serial No 113

Brief Abstract of Letter.

Reports that in the election held by the newly constituted Rural Council, Mr. B. K. Gurudev Rao has been declared duly elected as President of the City Rural Council and that the names may be gazetted.

NOTES AND ORDERS

9 The Bangalore City Rural Council newly re-constituted under Govt Notn No. E 2953/Rl 57-24 -1793 dtd 1st October 1924, holds their meeting on the 4th November 1924.

I write a line to Commissioner thereafter

Notes—First sheet

General and Revenue Secretariat

File No 56 of 1924

Serial No

AN'S OFFICE.
7 NOV 1924
No 3335.

his was forwarded to Assam vide No 7177153-24 & No. 2045, dated from Shillong office on 15.11.24

11 Nov

privilege of electing their President among themselves, they held their first meeting on Yesterday morning. All the 30 Commissioners were present.

2 It will be seen from the copy of the resolution of the Hon'ble Council, it is seen that Messrs B K. Gauradhar and Mohan ad Abbas Khan stood for election and in the election held, Mr. Gauradhar secured 18 votes and Mr. Abbas Khan 18 votes and that the former, having secured higher No of votes, has been declared duly elected as President.

4 [illegible] election held [illegible] under

5 Submitted for orders, under rule (14) of the Election Rules, we have to wait for 7 days from the date of the election for receiving petitions contesting validity of the election

6.11.24 8 2 2 Lucy

7 Dewang

7/11/24

the election of Mr Khan

[illegible]

[illegible]

G.R.S. III 2[1]

19 File No of 19

General and Reven Secretariat

Serial No.

NOTE—Contn Sheet

General and Revenue Secretariat. | Mel File No 56 of 1924

Serial No 119

Petn dy 7 11 24 from Mr Md Abbas Khan, Mr G Ramanasivaya, Mr B L Byanna, Dr G Seddaveerappa, Mr C Venkatanarayanappa, & Mr O M Basappa praying to notice that the proceedings connected with the election of a President of the Bangalore City Mal at the meeting of the Council held on 5th 11 24 were irregular and illegal, praying that the election of Mr B K Candrachar may not be approved & that either Mr Abbas Khan may be appointed President or a fresh election ordered.

Points for considering the election given in the petition are the following —

(i) The voting was in accordance with notn no L 3361 Mel 65-24 dy 1 11 24 which has verbally and impliedly repealed and deleted the amendment regarding the quorum to rule VI made by Govt notn no L 32-78 Mel 70-21 2524 dy 6 11 1923. Though 2/3rds of the total number of Councillors were present at the meeting neither of the two candidates secured the 2/3rds of the votes of the Councillors present. So neither Candidate can be legally declared as elected

(ii) In the notice of election dy 7 10 24 issued to the Councillors it was mentioned that the election will be under the rule as amended by notn no L 3278 Mel 70 21 2525 dy 6 11 23 but the election was held under rule as amended by notn dy 1 11 1924. This is a

NOTE—Contn Sheet

a material irregularity in the conduct of election

Serial No

(iii) The votes of the 11 who enabled the original Candidate Mr B K Gaurdachar influenced at the last moment certain Councillors who had promised to vote in favour of Mr Abbas Khan Thus there (iv) has been a material irregularity by which Mr Abbas Khan has been considerably prejudiced & has suffered substantial injury

(iv) The meeting held on 6 11 24 should have been presided over by the Dy Comr under Sec 23(7)(a) of the Municipal Regn As the Dy Comr did not preside at the meeting, the entire proceedings are invalid and the election is liable to be set aside by Govt

(v) Inclusion of other subjects at the meeting in question is a material irregularity.

(vi) The votes in favour of Mr Gaurdachar by the nominated councillors nominated on his recommendation should be disallowed as Mr Gaurdachar was telling some of the nominated Councillors that they owe their nomination to the Council & that they should vote for him

(vii) Mr B K Gaurdachar drew with intent to secure votes for him & has certain

NOTE—Contn Sheet

and Revenue Secretariat. | ML File No 56 of 1924

Serial No.

Certain openly declared adherents of his have been persistently & maliciously telling Sir Abbas Khan (illegible) with a view to secure votes in his favour Mr Ganeshchar illegally disposed of certain large contracts without calling for tenders as required by law

2 With reference to point (1) above it is submitted as follows

When rule (VII)(a) was amended on 6.11.24 the only question for consideration was the amendment to the rule so far as it related to the procedure for voting Reference to Rule (VI) in the amended Rule (VII)(a) is to Rule (VI) as in force when the amendment was made and not to the original rule (VI) If the original rule (VI) had been restored it would have been specifically stated or in plain words that the amended rule (VI) has been cancelled and the original rule (VI) restored ~~to the provisions~~ The question to be ~~decided~~ is whether Mr. Goswami is a candidate cannot by what the Constitution lawfully the Secretary

NOTE—Contd. Sheet

Serial No

3 Whether points (ii), (iii) & (vi), to (viii), are from material irregularities vitiating the electoral proceedings & a point for consideration. On point (viii) relating to the disposal of Contracts without calling for tenders a report may be called for from the Municipal Commissioner

4 With reference to point (iv) it is noted that the Chairman presiding the Election or nomination of a President the Vice Chairman takes the place of the President under Sec 23 (7)(a). (Regn IV of 1923)

The order

5 Under the rules for the election of Presidents & Vice Presidents of Municipal Councils (at the inclusion of Bombay) the first meeting of a reconstituted municipal Council does not appear to be irregular (Rule (iii))

8 11 1924

6 The only material change in the rules under the notification in the amendment of Rule VII(a) by the introduction of the 1st Schedule was the adoption of secret voting. The rule was amended only in that particular. The provisions of Section three of Rule VI of the

NOTE—Continuation Sheet

Serial No

Construed to mean to "Rule VI as in force and not to "Rule VI of the first Notification of September 1916" as it is intended the Constituted by the Contestors Unless ~~[redacted]~~ a specific intention of repealing the rule in force is shown, the rule in force has to be adopted & the Contestors cannot consider the accidental omission as vitiating the election, though it would have been better if reference had been made in the recital to the Notification of the 1st November & the amendments made from time to time

7 The other points referred to in the petition are also matters upon on paras 3, 4 & 5 above Under Rule (X) [illegible] may Cause enquiry to be made by a Court

L L Sears)

28/8/11/24

NOTE—Contn Sheet

| Serial No. |
| --- |

Serial No.

Petn-d 10 & 24 from Sri Md Abbas Khan, Sri S Ramanarayana & Sri B L Byrappa retd Cons Ward Bangalore addressed to Govt praying that the election of President held on 5-11-24 may be set aside

The grounds adduced by the Petitioners are the following :-

(i) The newly reconstituted Mal did not come into legal existence on 4-11-24 & so the notice relating to the election of the President should have been served on the Councillors after that date.

(ii) The Municipal Councillors should have had 20 days' notice after 4-11-24 on which date the Council was reconstituted

(iii) The notice should have been served by the Shirastadar Returning Officer & not by the Secretary

(iv) There was no valid nomination of a candidate for Presidentship as the nomination papers were sent up long before the reconstituted Council came into legal existence

(v) Sri B K Ramachar is debarred from standing under the provisions,

NOTE—Contn Sheet

GRS III 2 File No. 56 of 1924 General and Rcvt. Secretariat

Serial No

Provisions of the Municipal Regns. Govt. Standard as a candidate for election as President as there is no provision in the Regns enabling a retiring President to stand for re election as in the case of a retiring Councillor.

Objections (i), (ii) and (iv) appear to have force. Objection (iii) is in the nature of a personal nature. Objection No (iv), as the no force, as Presidents of municipalities are under this Act to be elected or nominated from among the Councillors & retiring the councillors are eligible for re election — or reappointment. Vide Secn 23 (2) of the Municipal Regns.

Under rule (X) of the rules for the election of Presidents a vice of the municipalities for enquiring into objections petitions to a Committee specially constituted for the purpose

A.H.C. 10/11/24

L.L. Levy 10/11/24

From enquiries made by telephone in Municipal Office it is found that the notice for the election of

NOTE—Contn Sheet

Serial No

The meeting was convened under the instructions of His Excellency the President in his despatch. The meeting convened was the first meeting of the reconstituted Council

L L Leary) 11/11/24

As per instructions of Steward, I do beg Sir to hand (over) to Steward the records above. Perhaps to file relating to the rules of Sept 1918

11-11.

Do Issued No L 3524 dy 11 11 1924

Serial No

Two petitions contesting the validity of election, one original and the other supplementary, are filed by the contestors within 7 days of the election alleging several irregularities in the conduct of the election and also misconduct of Mr. B.K.Garuda Char. All these points have been set forth in the paper under disposal and also in the notes above. I shall only confine myself to the salient points that have been urged.

1. It is alleged that the meeting for the election of the President has not been convened by the President under the statutory provision and clear notice of 20 days had not been given for such meeting and that the meeting was not presided over by the properly constituted president. These defects vitiated the meeting altogether and as such the proceedings are illegal and ought to be set aside on that ground.

In order to understand fully the effect of these objections it is necessary to bear in mind the amendment made in Municipal Regulation 1906 in April 1923. In Regulation IV of 1923 when the Bill to amend the Municipal Regulation was in the stage of a Select Committee, the committee observed as follows --

"In this connection, it is observed that there is no provision at present in the Regulation for the conduct of business in a Municipal Council during the period intervening the expiry of the term of office of an elected President on the reconstitution of the Council and the election of another President. We consider that such a provision is very necessary and we accordingly propose the addition of a new cla-

NOTE—Contn Sheet

to Section 23 as Clause (7a) as follows:--

(7a) During the period intervening the expiry of the term of a President on the reconstitution of a Municipal Council and the election or nomination as the case may be of another President, the Deputy Commissioner in the case of Municipalities at District Headquarters or the Amildar in the case of other Municipalities shall take the place of the President until such elected or nominated President enters on his duties.

This clause eventually became law as part of Section 23 and Clause (7a) to Section 23 of the Amended Regulation. This has application to any Municipal Council in the State and therefore applies to city municipalities as well. Powers given to a Deputy Commissioner under sections 173 and 174 are not to be exercised over the city Municipal councils under Section 180(A) under Regulation V of 1918. With this exception the powers of a Deputy Commissioner are kept intact over City Municipalities. Hence by virtue of Clause 7(a) to Section 23 the Deputy Commissioner of Bangalore became the President of the City Municipal Council during the period intervening the expiry of the term of Mr. Garuda Char on the reconstitution of a Municipal Council and the election of another President.

The functions of the President are defined in Section 24 of the Regulation.

(1) "He shall preside, unless prevented by reasonable cause, at all meetings of the Municipal Council and regulate the conduct of business of such meetings "

Under Rule 2 of the Election Rules, at least 0 days notice shall be given of the election of a

Serial No 1

NOTE—Contn Sheet

Serial No

President by the President of the newly constituted Council namely the Deputy Commissioner in this case; in his absence, by the Chief Executive Officer. There is thus a statutory duty cast upon the Deputy Commissioner of Bangalore to give 20 days' notice to the councillors of the newly constituted Municipal Council as to the meeting of the Council to elect a President. In the present case, 20 days' clear notice must be given after the newly constituted Municipal Council comes into existence. This is made clear by rules 2 and 4, and moreover every candidate for the office of the President shall be nominated by at least 2 non-official councillors in the form prescribed under Rule 4. It is a fundamental principle of law that citizens of a city constitute the corporation of the city and that all powers granted to a Municipal Corporation are vested in the Municipal Council unless expressly delegated to some other officer. The President, and the Commissioner are only officers of corporation and the Council is the general agent of the municipality for all purposes. The constitution of the council is determined by the statute which is the supreme law of the corporation. The governing body is composed of members chosen by voters. The council acts through its members. The council when duly organised can do acts attributed to the corporation. The powers of Council are exercised by its members, its President and its Commissioner. From this it follows that unless the Municipal Council is reconstituted by the statute it has no existence in law and it cannot perform any func-

NOTE—Contn Sheet

imposed upon it by statute. In the present case the reconstituted council came into existence on the 4th November 1924. Legally the councillors that have been appointed either by election or by nomination can act only from 4th November 1924 for they have no legal existence before 4th of November. The candidate in this case should be supported by two non-official councillors evidently it must be after the 4th of November and 20 clear days notice should be given after that, under Rule 2, by the Deputy Commissioner in this case. From the information received from the Municipal Office it is clear that the notices issued for convening the meeting was under the signature of Mr. Garudachar who was the President at that time. As shown above, he is not the proper person to issue notice and as such no notice was issued as required by the statute for convening the meeting. It may be remarked here that the power to convene the meeting is precisely defined and limited, the statutory provision relating to this power are not merely directory but mandatory For instance, a meeting could be called by the President or any authority under the statutory provisions. If the meeting be not so called, this defect vitiates the meeting altogether (See the Law of Municipal Corporations in British India by P.D.Iyengar II Edn. P.155.) and also (Abbaji Sitaram vs. Trimbatt Municipality 1904 I.L.R. 28 Bom. 66).

Notice to all the newly constituted councillors by the person authorised by law is imperative. Any resolution passed by a meeting where no such notice has been given would not be legal and will always retain its inherent defects, though sanctioned

NOTE—Contn Sheet

Serial No.

by Government (See Ibid 135, 7 Bombay 399)

In the present case notice given by Mr. Garuda char, who was a retiring President is not a legal notice of the meeting and the meeting that came into existence in pursuance of that notice was not a proper meeting and its proceedings are vitiated altogether, for, 30 days clear notice was not given after the reconstitution of the Municipal Council by the Deputy Commissioner and the meeting was not presided over by the Deputy Commissioner. Under Section 24, the President (the Deputy Commissioner in this case) had to preside unless prevented by reasonable cause There is every reason to suppose that the Deputy Commissioner in this case had not been informed that he was the President and that he had to issue notices of the meeting and that he had to preside. So, his absence will not enable any councillor to preside in the present case The meeting without a President was not a proper meeting. On this ground alone, I submit the election may perhaps be set aside

The next ground urged is that the new rule passed on the 1st November 1924 is capable of the interpretation that the old rule (VI) of rules of September 1918 was in force which required that the President should be elected by the two-thirds of the councillors and not by a majority of the councillors as amended in November 1923 It is very unfortunate that by an accidental slip, in the preamble of the Notification issued on 1st November 1924 the words "as amended from time to time" was not included after 23-9-1918 But it may possibly be argued that Rule (VI) above means the rule in force, but the point, I cannot say, is quite clear It is at most a doubtful point There is every reason to

NOTE—Contn Sheet

suppose that the construction put by the contestors may be upheld in a court of law. If such a construction is to be put, the election has to be set aside on the ground that the successful candidate did not get two-thirds of the majority.

Serial No.

3. The new rule regarding secret voting was issued after the notice under the old rule was given. As observed above, the notice ought to have been given after the 4th November, giving 20 clear [illegible] days' for the meeting. Therefore there is force in their contention.

They say they were prejudiced. It is a matter for them to adduce evidence in support of it. It is entirely a question of fact.

Misconduct.-- Another allegation is that the retiring President Mr. Garudachar illegally disposed of certain large contracts, among them one for certain earthen ware pipes for the drainage scheme of the Visveswarapuram extension involving an outlay of Rs.35 to 40 thousand without calling for tenders as required by law. (Vide 186 P.1 of the Municipal Regulation amended by Regulation IV of 1923.) This is mainly a question of fact. If this is true it may amount to misconduct and would disentitle him to be elected a President.

The next allegation is that he exercised undue influence in securing votes and as such there is a very grave and material irregularity in the conduct of the election. The contestors say that Mr. Garudachar recommended to Government to nominate persons as councillors from whom he had extracted promise to vote in his favour in the event of their being actually nominated They say that the votes of those who have been nominated by Government on his recommendation

NOTE—Contn Sheet

Serial No

should not legally and equitably be taken into - - account. If their votes are discarded, the first petitioner would be declared elected. (Vide page 6 of the P.U.D.I). This is entirely a question of fact.

Conclusion.--If the Government are satisfied that there is irregularity from the legal grounds urged, they may set aside the election and order a fresh one If, on the other hand, the Government decide to go into the question of fact as to the misconduct, the matter has to be referred for enqui. to a Board consisting of the Deputy Commissioner and an officer to be appointed by Government and a non-official deputed by the Municipal Council under Rule of the rules.

Drawing

12/11

The issues are interesting case where how can the petitioner get his relief in framing rules - As the question of law & interpretation are involved I want to give the petitioner a hearing. To show cause why the petition should be entertained Notice also to the other side to appear on the appointed date Parties may appear by Counsel Date of hearing. Sat 15th 12 noon in the C Chamber

PTO

12/11

NOTE—Contn Sheet

General and Revenue Secretariat | File No | of 19

Serial No

The following references to be kept with the ~~[illegible]~~ of the file of the present ~~[illegible]~~

~~[illegible]~~ of 1921

1) recording the last Council ~~[illegible]~~ authorising a Seal with the title

File I

2) The relating to selection of precedents of H.C.J. - during the period when reserved this privilege of the rule of act 18 were issued —

File II

3) Rule of Seal E for City behalf the file relating thereto with the relating to subsequent - amendments

File IV

3rd M 1924
Note H 2 File I

4) Def as to the 4 per cent State Council - when the new scale Cases rule 4. The not before the work for act - rules the D.C still continued the

4th Nov 1921.
H 4 File I

NOTE—Contn Sheet

[illegible]

G R.S. IIP-21

| File No | of 19 | General and Revenue Secretariat. |
|---|---|---|

Two Drafts Orders are [illegible] -

[illegible]

13/11/24 [illegible] [illegible]

[illegible] jurisdiction [illegible] [illegible]

of the petitions. [illegible] seems to be necessary

to enable him to [illegible] And the reference.

[illegible]

12/11/24

13/11

13/11

[illegible]

[illegible]

Serial No

Copies [illegible]

[illegible]

12/11/24

NOTE—Contn. Sheet

Serial No

As to item (1) Notification &c., is put up. (Vide Flag Z. File marked no.1)

Authority for issuing a General Notification.

The Act provides that every Municipal Council shall consist of elected and nominated councillors (Vide Section 10).

The power is vested in Government to determine the number of councillors, fixing the dates of election &c and regulate generally such elections (Vide Section 11) Section 17 fixes the term of office of the Councillor. Combined effect of these provisions is that the Government have power to fix the number of councillors both elected and nominate to form a Council and to declare the date when it shall come into existence. The usual form is put up Generally the names of all Councillors elected at the general election of nominated by Govt are published immediately Section 17 applies to general election It is to be noted that the Act makes no provision for the commencement of the term of office of a councillor, but the date is given in the Notification issued under Section 11

The date fixed is after the expiry of the term of the existing Council, in the case of general election. But in the case of bye-election, the commencement of the term of office, I think, begins from the date of election, for the words in the Section 18 are 'the vacancy shall be filled up . . by the election or appointment.'"

The publication in the Gazette under Section 20 is only directory of the procedure to be followed for the information of the public. The election of a councillor is not subject to the approval of Government. Hence the date of publication has no effect

NOTE—Contn. Sheet

Serial No

has no effect on the question when the term of a Councillor commences.

Item No.2.-- File relating to the election of Presidents in Bangalore City is put up. It shows the privilege was first conferred with effect from 1st February 1920. It is to be noted that the then Honorary President of the existing Council issued notice under Rule 2 of rules of 1918 convening the meeting to be held for the election of President. This procedure seems regular. ~~This proved abortive for want of quorum.~~ The privilege was taken away in 1922 and an official President appointed. The privilege was again conferred and election was held on 10th November 1923 (Flag R File 2).

Item No.3.-- All the rules of general elections put up. (File 4).

City Municipal Election Rules (File 3)

Item No.4.--The late Council was reconstituted for a term of 3 years from 4th November 1921 (Vide Notification Flag Z in File No.1)

The new Council came into existence from 4th November 1924 under Notification (Flag H) as the term of Councillors of the old Council continued for 3 years from 4th November 1921 to 3rd November 1924 under Section 17 of the Regulation

I find from the general rules as well as from the rules of City Elections that there is no express prohibition to hold the general election during the continuance of an existing Council. Rule 12 of City Municipal Election rules of 1919 and Rule 12 of Election rules of Town and Municipal Council gives discretion to the President and Deputy Commissioner

NOTE—Contn Sheet

Serial No

respectively to fix the date of election. In the case of City Municipal Council, the Government have to approve the date of election. Hence rules provide for elections being held after the expiry of the term of the existing Council. There will be no harm if direction is given to hold the elections after the expiry of the term of the existing Councils, for Deputy Commissioner is appointed President in Head quarter municipalities and Amildar in other places under Section 23(7a) of Regulation IV of 1923. to Conduct the Election business of the Council during the Interim period

Sd
14/4

[redacted]

File No. of 19 [redacted]

Serial No.

NOTE—Contn Sheet

GRS III—3]

**Routine Notes.**

[To be used only for [illegible] requisitions, etc., not intended for permanent record.]

Memo re. the Bangalore Municipal Bonds
enclosed by
Sd/ a
Member.

Rules as issued are pasted in a separate cover.

Sd/
23/11

Submitted with draft
for approval
(Rules received
here, in rare approvals
communicated were)
by
Sd/ a
Secy

approved
Sd/
K. 1'

Secy L+L Dept
with compts
by
Sd/ 29
Secy to Govt

NB.—Should routine notes be written on small slips, the notes must be copied or slips pasted on this form.

## Routine Notes

[illegible]

N.B. Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

G R S III-2]

WD 2810—GPE—10 000—31 5 24

General and Revenue Secretariat | Rl File No 56 of 1924

| Serial No | |
|---|---|
| 142 | G.O. No L 3998-90 R 26 11 24 to the Dy Comr, Bangalore Dt, Bangalore City Munl Council and the Munl Comr, City Munl Cl, Bangalore<br>States that Govt cannot approve of the election on the ground that the meeting was not presided over by the Dy Comr of the Bangalore District as required under the amended Munl Regn IV of 1923 and that the nominations in the case of Candidates for election were made by persons who had not actually become Munl Councillors, when they exercise the privilege of election and directs therefore that a fresh election be held at an early a date as may be ~~Commenced~~ and that the fresh election be held according to the revised electoral rolls to be separately issued<br>G O issued and the file is re-submitted with a note for Consideration ahim regarding the rolls<br>27 11 24<br>& 2 Secs) 27/11 |

NOTE—Contn sheet

Serial No

Section 23 Sub Section 2 Cl. (c) of Regulation 1906 does not empower the Government to frame rules regarding the election of President or Vice President. Such a power was conferred by Regulation V of 1918 (Vide Section 6 of the Regulation) Hence it is desirable to add the following words "as amended by Regulation V of 1918" after Section 23 of the Municipal ~~Council~~ Regulation 1906 in the preamble.

In Rule 1 (b) 'two months are altered to one month. If this is to be retained, a corresponding change in the proviso to Rule I becomes necessary The following may perhaps be added --

During the said period of one or two months, as the case may be' by the President etc., between the lines 3 and 4 of the proviso to Rule I.

The contingencies contemplated in Rule 1 clauses (a to d) are, first, the granting of power to the existing council to elect their President in which case there will be duly constituted councillors, secondly, election of President by the members of the reconstituted council after the reconstituted Council comes into existence, thirdly Bye-election of President during the existence of the Council in which event there will be legally constituted councillors of the Council and ~~fxxthx~~ fourthly, when a fresh election ordered under Rule 9, there are also councillors in existence of the reconstituted Council

The omission of the expressions 'existing or' and 'as the case may be' will have the effect of providing only for cases contemplated under clauses (b) and (d) of Rule I and may not apply to cases

NOTE—Contn

covered by clauses (a) and (e). It is therefore better to retain the original expressions in the draft. In line 4 of Rule 2, the word "Members" between the words 'of existing or reconstituted Council seems to be apt word for the councillor is defined to mean a member of a Municipal Council. It may be retained. Rule 2 of Draft framed to meet all the cases Rule 3

Rule 2 provides for intimation of candidature being given to the Municipal Commissioner or the Chief Executive Officer at least 7 days before the date of the meeting as corrected. Rule 3 provides for notifying the names of candidates at least 7 days before the date of meeting. In other words the Notification should be published on the very day when intimation of candidature is received. If that day happens ~~to be a holiday or if the intimation~~ close is received at the close of the day, it would be impossible to comply with the rules. The interval of seven days may therefore perhaps be altered to 5 days in Rule 3(3).

Serial No

Seen Agree 27 11 I see alone 29/11 Issue 28 11

NOTE—Contn Sheet

General Revenue
Secretariat

RL File No 56 of 1924

D 29

| Serial No | |
|---|---|
| 147 | Govt letter No C 3957 of 28.11.24 & the Cochin, Travancore Gazette. Town Record — Rules for the election of President and Vice-President of a city Municipal Council |

B
29/1

24

Subject. - 6

21/11/29

Election of President of the
Bangalore Municipal Council.

OPINION OF THE COUNCIL.

Note
The Rule subject to
a Member for suggesting
the revision of the rules
a revised set of rules
be issued simultaneously
with an order regarding
and the election and
during a by-election -
meantime attention of
Dept Govt be drawn
the rules -

CA
20/11/29

LR accepts Compl for being
Kept Placed in the file
4/12

25
Bangalore
23rd

My dear Matthai

How much I need you during
these days of election for Leg.
Council. Please come.
With blessings

**Note re draft rules for Election of Presidents and Vice-Presidents, -- City Municipal Councils**

---

I In line 3 of the preamble the words "as amended by Regulation V of 1918" may be added perhaps after "' - nicipal Regulation "

II As under Rule 1 (b) a period of 1 month only is prescribed - the words "during the said period of 2 months" have to be modified to "during the - said periods of 1 or 2 months, as the case may be" in the proviso to Rule - (1)

III Rule 2 (a) - Omission now made has perhaps to be reconsidered as this will not provide for election during the period of an existing Council for which also Rule 1 provides

(b)-Substitution of the word "Councillors" for "Members" may be considered in line 4

IV Rule 3 - The correction made - here does not provide for interval - - between the date of receipt of intimation from candidates and date for notification of the same to the members Either there must be 10 days in Rule 1 and 7 days in Rule 3 or if 7 days are to be retained in Rule 2, 5 days period ~~can~~ must be fixed in Rule 3, so as to give at least 2 days interval

In Rule 8 (2) at the end the words "the proceedings shall be closed" may be added perhaps as Rule (e).

No.

OFFICE OF THE CITY MUNICIPAL COUNCIL,

Bangalore City, Dated 22nd OCTOBER 1924.

GENERAL & REVENUE SECRETARIAT 2579 23 OCT 1924 SELF GOVT BRANCH

From

M G KRISHNASAMI RAO, ESQ, B A,

MUNICIPAL COMMISSIONER, MUNICIPAL COUNCIL, BANGALORE CITY

23 OCT 1924 SECTION

Rl 56-24-92

B.Nagappa, Esq., Bar-at-Law,
Secretary to the Government of
His Highness the Maharaja of Mysore,
Local and Legislative Departments,
BANGALORE

Sir,

With reference to Government Notification No L.2853/"1 57-24-179 dated 1-10-1924 ordering the reconstitution of the City Municipal Council, Bangalore, with effect from the 4th November 1924, I have the honor to state that the date for the election of the President has been fixed for the 5th November 1924 A Notice was issued to all the Councillors on the --- 8th October 1924 inviting applications for the Presidentship on or before the 21st October 1924 In response to the --- notice, Messrs Mohamed Abbas Khan and B K Garudachar have --- stood for election A further report will be submitted soon after the election is held

for perusal

I have the honor to be,
Sir,
Your most obedient servant,

M G Krishnasami Rao
Municipal Commissioner

24/10

Forwarded with compliments.

President,
City Municipal Council,
Bangalore

DEWAN'S OFFICE
ON 25 OCT 1924
Reg No 30

D N.R.

No 60 of 24—25

Encl one

21571

OFFICE OF THE CITY MUNICIPAL COUNCIL,

Bangalore City, Dated 5th NOVEMBER 1924.

GENERAL & REVENUE SECRETARIATE
28861
- 5 NOV 1924
LOCAL SELF GOVT BRANCH

To

M. G. KRISHNASAMI RAO, Esq, B A,
MUNICIPAL COMMISSIONER, MUNICIPAL COUNCIL
BANGALORE CITY.

M 56-24-113

NOV 1924

B. [illegible]appa, Esq., Bar-at-Law,
Secretary to the Government of
His Highness the Maharaja of Mysore,
Local and Legislative Departments,
BANGALORE.

Sir,

In continuation of this office letter No 57 dated 23rd October 1924 reporting that the date for the election of the President was fixed for the 5th November 1924 and that Messrs Mohamed Abbas Khan and B K Garudachar had stood for election, I have the honor to state that the first meeting of the newly constituted Council was held this morning All the 30 Councillors were present A copy of the proceedings of the meeting is herewith submitted for the information and orders of Government. It will be seen therefrom that Mr. B K Garudachar secured 15 votes and Mr Mohamed Abbas Khan 13 votes and that the former was declared duly elected as President The election now held may kindly be approved by Government.

I have the honor to be,
Sir,
Your most obedient servant,

M G Krishnasami Rao
Municipal Commissioner.

D N R.

PROCEEDINGS OF THE FIRST MEETING OF THE NEWLY CONSTITUTED CITY MUNICIPAL COUNCIL, BANGALORE, HELD ON WEDNESDAY THE 5TH NOVEMBER 1924 IN THE COUNCIL CHAMBER AT 8.A.M.

--------:oOo.-----

**P R E S E N T.**

**COUNCILLORS.**

1. Mr. B.V. Krishniengar,
2. " W.H. Hanumanthappa,
3. " G Muniyappa,
4. " Belur Srinivasaiengar, B.A., B.L.,
5. " B.K. Garudachar,
6. " S N.M. Razvi,
7. " G. Paramasivaiya, B.A., LL.B.,
8. " Myakala Mallayya,
9. " C.K. Hutchappa,
10. " G. Siddaveerappa,
11. " B. Abdur Rahmon, B.A.,
12. " B.L. Byanna,
13. " G.B. Raghavendrachar, B.A.,
14. " R. Gopalaswami Iyer,
15. " C.N. Narasinga Rao, B.A., B.L.,
16. Mr. S.N. Seetharamiah,
17. " C. Mayavadana Rao, B.A., B.L.,
18. " S. Venkataranga Iyengar,
19. " N.V. Kalyanpur,
20. " M Ramachandra Rao Sindia,
21. Rev W.H. Thorp, B.A.,
22. Mr. J.R. Isaac, B.A., M B.E ,
23. " P. Murugesam Pillay,
24. " P. Subbarama Chetty,
25. " D Venkataramaiya, B.A., L.T.,
26. " Mohamed Abbas Khan,
27. " B.N. Vijayadeva, M.A., Bar-at-Law
28. " P.M. Basappa,
29. " V A Krishnamurthi Mudaliar, B.A.
30. " M.C. Chicka Nanjundappa.

-------.O -----

Before proceeding with the business of the day, the Municipal Commissioner said that in the temporary absence of the President, who was to be elected shortly, a good opportunity presented itself to him of welcoming the Councillors of the newly constituted Council. The Commissioner hoped that they would extend their cordiality, co-operati and support in his work, just as the members of the old Council used t do and assured them that he would do his best to satisfactorily discha the duties entrusted to him.

2. Mr. B.V. Krishniengar proposed and Mr. Belur Srinivasaiengar seconded that Rev W.H. Thorp do take the chair. Carried unanimously.

Subject No.(1).- Government Notification No L.3361/Ml.65-24-9 dated 1st November 1924 ordering certain amendments to the rules for the election of Presidents and Vice-Presidents of the City Municipal Councils.

Resolution.- Recorded.

Subject No.(2).- Election of the President.

The following Councillors stood for election -

(1) Mr Mohamed Abbas Khan,
(2) " B.K. Garudachar

All the 30 Councillors were present when the voting began.

Excep

Except the two candidates, the other 28 Councillors took part in voting. The Chairman then opened the ballot box and counted the votes in the presence of the Council. The result of the voting was as follows:-

1) Mr. B. K. Garudachar. . .15 votes,

2). " Mohamed Abbas Khan . . 13 votes.

Mr. B. K. Garudachar was then declared duly elected as President.

Sd/ W.H.Thorp.

Chairman.

"C O P Y"

Mr G Krishnaswami Rao

MUNICIPAL COMMISSIONER,

CITY MUNICIPAL COUNCIL,

BANGALORE.

D.N.R.

R. S. VI—G/32]

SUBJECT

Immediate & Confl

Diary No. of letter replied to

Section

File No.

Serial No

General and Revenue Secretariat

( )

, the 191

No L 350

Date of issue 11. 11 24

Signed by M B Nagappa

To

Dear Sir;

I am desired to request you to kindly furnish at once for the information of Govt the Complete records relating to the election of the President of the Mysore Sanna held on the 3rd inst 1924

Yours Sincerely

P.S Please send them by 11 a.m tomorrow

Sd/ B Nagappa

To Mr S Krishnaswami Rao B.A.

Mysore, Bangalore City

Sd/ B Nagappa

11.11.24

over

L3561-6

Wl 56-24-12

Official Memorandum.

To

1. Md. Abbas Khan, Esq.,
2. G. Paramasivaiya, Esq., B.A., LL.B.,
3. B. L. Byanna, Esq.,
4. G. Siddaveerappa, Esq.,
5. M. C. Chickmanjundappa, Esq.,
6. P. M. Basappa, Esq.,

With reference to the two petitions dated the 7th November 1924 and 10th November 1924 presented by you contesting the election of Mr. B. K. Garudachar as President of the City Municipal Council, Bangalore, made by the said Council at the meeting held on the 5th November 1924, you are requested to show cause why the petitions should be entertained. The petitions will be heard on Saturday the 15th November 1924 at 12 noon in the Council Chamber, Public Offices, Bangalore. You may appear by counsel

"By Order"

Secretary to Government,
Local and Legislative Departments

Despatched to

1) Md Abbas Khan Esq
Md Clr Arcot Sreenivasachar's
Bangalore city

2 G Paramasivaiah Esq BA LLB
Advocate & Md Clr
Chickpet. B'lore city

3 B.L. Byanna Esq
Md Commr
Cavalle (near Labbipet)
Bangalore city

4 G Siddaveerappa Esq
Md Commr & Commercial
Chickpet B'lore city

5 M.C. Chickmanjunappa Esq
Md Commr & Cloth merchant
Nagartha pet
B'lore city

6 P.M. Basappa Esq
Md Commr & Druggist
Oota pet, Bangalore city

No L3567 dt 7/11/24
Mi56-24-25

Encl two petitions

OFFICIAL MEMORANDUM.

1. Mr. Md. Abbas Khan.
2. " G. Paramasivaiya, B.A., LL.B.,
3. " B L. Byanna
4. " G. Siddaveerappa.
5. " M. C. Chicknanjundappa.
6. " P. M. Basappa.

Two petitions dated the 7th and - - 10th November 1924, the first signed by the marginally noted Councillors and the second by the first three have been received contesting your election as President of the City Municipal Council, -- Bangalore, at the meeting held on the 5th November 1924. Copies of the petitions are enclosed. Petitioners will be - - heard on Saturday the 15th November 1924 at 12 noon in the Council Chamber, Public Offices, Bangalore You are re- - quested to show cause why the petitions should not be entertained You may appear by counsel

" By Order "

Secretary to Government,
Local & Legislative Departments

12/11/24
12/11

To

B K. Garudachar, Esq ,
Municipal Councillor,
City Municipal Council,
Bangalore

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
HE MAHARAJA OF MYSORE.

---.000.---

Read -

Letter No.60/24-25 dated the 5th November 1924, from the Municipal Commissioner, Bangalore City Municipal Council, reporting the result of the election of the President of the Council held that day.

2. Petition from Mr.Md.Abbas Khan and five other Municipal Councillors dated the 7th November 1924, contesting the validity of the election referred to in the report read above.

3. Petition dated the 10th November 1924, from Mr.Mmt Md Abbas Khan and two other Municipal Councillors urging further gro against the validity of the election.

************

Order No.L.3888-90/Ml.56-24-142.Bangalore, dated the 26th November 1924.

The term of the members of the Bangalore City Municipal Council having expired on the 3rd November 1924, the Government their Notification No.2853/Ml.57-24-179 dated the 1st October 1 notified the names of the elected and the nominated Councillors the reconstituted Council as from the 4th November 1924. And summoning the first meeting of the re-constituted Council for t purpose of electing a President was issued on the 7th October 192 by the President of the out-going Council. Two candidates for the office, viz., Messrs.Md.Abbas Khan and B.K.Garudachar were nomina on the 10th and 15th October 1924, each by two persons notified to Municipal Councillors of the reconstituted Council The election held on the 5th November under the Chairmanship of one of the Munic pal Councillors, when all the 30 Councillors were present. At the election Mr.Garudachar secured 15 votes and Mr.Abbas Khan 13 votes and the former was declared duly elected.

Under the ex rules for the election of Presidents and Vice-Presidents of City Municipal Councils the election is subject to approval of Government, and the result of the election has p

been reported to Government by the Municipal Commissioner, objection petitions have been received by Government from the ed candidate and from five other Councillors. The principal objections urged are as follows -

(i) The election was conducted in accordance with the rules notified in Government Notification No.3361/ML.65-24-5 dated the 1st November 1924 according to which, it is contended, no candidate shall be declared elected unless he secures two-thirds of the total number of votes of the Councillors present at the meeting.

(ii) It was expressly stated in the notice of the meeting that the election will take place under the amended rules of the 5th November 1923, whereas as a matter of fact it was held under the rules as revised in the Notification of the 1st November 1924 referred to above.

(iii) Under Regulation IV of 1923 during the period intervening the expiry of the term of a President on the reconstitution of a Municipal Council and the election of another President, the Deputy Commissioner Bangalore District, takes the place of the President, but the meeting was not summoned and was not presided over by the Deputy Commissioner.

(iv) The nomination of candidates was made before the persons making the nomination had become Councillors of the new Council and therefore the entire proceedings are ab initio void and illegal.

(v) There is no provision in the rules declaring the President of the out-going Council to be eligible for re-election.

(vi) The successful candidate has exercised undue influence over the Councillors who were nominated on his recommendation, he has been persistently and maliciously trying to defame and vilify the rival candidate, and during this last term of office as President, he has illegally disposed of certain large contracts with a view to secure votes for his election.

The petitioners and the succesful candidate through

their

their legal representatives, were heard by the Dewan on the 25th 15th November 1924. After careful consideration of the objections raised in the petitions, the arguments urged on both sides and a perusal of the records of the case, the Government are of opinion that objections i, ii and v referred to above do not disclose any material defect in the election proceedings. As regards objection No.iii the contention is correct that under the Municipal Regulation as amended by Regulation IV of 1923 the Deputy Commissioner of the District takes the place of President ~~or~~ during the period between the expiry of the term of office as a President on the reconstitution of a City Municipal Council and the election or nomination of a new President. The argument that the proceedings for the election of the President of the new Council should not have been initiated by the President of the out-going Council, is also not without force, but the rules are not explicit on the point and do not expressly prohibit the procedure adopted. As regards objection iv, the Government observe that the nominations in this case have been made by persons whose appointment as Municipal Councillors had been notified to take effect from a future date, but who had not actually become Councillors of the new Council on the date when they exercised the privilege of nomination. The nominations of both the successful and the defeated candidates are under the existing rules open to objection which cannot be overcome Taking all the circumstances into consideration the Government regret that the electio cannot be approved by them, and they are pleased to direct a fresh election at as early a date as may be conveniently arranged In the view taken by the Government of the election proceedings being thus vitiated by a technical irregularity, it is unnecessary for them to go into the remaining objections which ~~are~~ are of a rerson character or to appoint a Committee of Enquiry.

In view of the fact that the present rules may give rise to doubts and difficulties, revised rules for the election of Presidents and Vice-Presidents of City Municipal Councils will now be separatel issued

No 1126 CS

Confidential

Dear Sir,

I am desired to invite your attention to Section 23(7)(a) of the Mysore Municipal Regulation as amended by Regulation IV of 192[illegible] according to which during the period of intervening the expiry of the term of a President on the reconstitution of a Municipal Council and the election or nomination of another President, the Deputy Commissioner shall in the case of Municipalities at District Headquarter take the place of the President until an elected or nominated President enters on his duties The term of Mr. B.K. Garudachar as elected President of the Bangalore City Municipal Council expired on the 4th instant and the election subsequently held has not yet received the approval of Government Accordingly the duties of the President of the Bangalore City Municipal Council vest in you It is hoped that you have already taken charge of the duties of th President. An early reply will oblige.

Yours sincerely,

B. Venkoba Rao, Esq., B.A.,
Deputy Commissioner, Bangalore District.

KR/CLG/20-11

rresponding Rules now in force
h reasons for revision.

(xi) and (xii)

In the revised rule the
iguity in Rule (xi) is removed
all contingencies under which
lections may take place are brought
ether in order to make it clear
t the same procedure applies to
lections under all such contingencies.
two months' time is given for election
in all cases.

The proviso to the revised Rule
is the latter part of the present
Rule (xi) with the addition of the
words "during the said period of
2 months" which make it clear that
notice of election should issue after
the right of election accrues.

Under Clause (c) of Sub Section (2) of Section 23 of the Mysore Municipal Regulation, 1906 and in supersession of the existing rules on the subject, the Government of His Highness the Maharaja are pleased to make the following rules to regulate the election of the President and the Vice President of a City Municipal Council when the Government shall have directed that one or both of these office-bearers be elected by the Council -

(1) The election shall take place -

(a) if the privilege of election is granted during the term of an existing Council, at a Meeting of the Council held not later than two months from the date of the Government Order granting the privilege,

(b) when an elected President or Vice President vacates office on the expiry of the term of the Council, at a Meeting of the reconstituted Council held not later than two months from the commencement of the term of that Council.

(c) when the office of an elected President or Vice President becomes vacant under Sub Section (7) of Section 23 of the Regulation, at a Meeting of the Council held not later than two months from the date of occurrence of the vacancy, and

(d) when a fresh election is ordered under Rule (9) infra, at a Meeting of the Council held not later than two months from the date of such order,

Provided that at least 15 days' and not more than 20 days' notice of every such meeting shall be given during the said period of two months by the President for the time being, or in his absence by the Vice President, or, in the absence of both of them, by the Municipal Commissioner of

the Chief Executive Officer of the Municipal Council.

e (iv) revised so as to t the irregularity of tions before the election due.

[* B The corrections made to be retained]

(2) Every candidate for the office of President or Vice President shall be nominated after the issue of such notice by at least two non-official Members of the ~~existing or~~ reconstituted Council, ~~as the case may be~~, in the following form which shall be sent to the Municipal Commissioner or the Chief Executive Officer of the Municipal Council at least 7 days before the date of the Meeting at which the election is to take place.

reduced from 15 to 10 days

Municipality of ... .. .. .. ..

We, the undersigned, nominate. .. as a candidate for the office of President or Vice President at the election to be held on the..... .. ...day of . . 192

Date.. .. . . Signed . .

Signed. .

le (3) [To be sub (3) of 5]

(3) The names of candidates shall be notified at the Municipal Office at least 7 days before the day fixed for holding the election.

Rule (v)-period of 10 days reduced to 7 days

Rule (vi) It is only the jority of votes of Councillors tually voting and the presence Councillors entitled to vote should count. Hence the on of the wording

(4) The voting shall be by ballot and the election shall be decided by a majority of votes of the Councillors voting at the Meeting, provided that the number of Councillors present and entitled to vote shall not be less than 50 per cent of the total strength of the Council

This is the appropriate for present rule (vii) which has accordingly brought under the revised (4)

No Councillor who is a Government servant and no candidate nominated for the office shall take part in the ballot. But a candidate may withdraw his candidature at any stage with or without the consent of his nominators and if he does so he shall then be competent to take part in the ballot.

le (vii) amplified so as just the procedure accord- to the number of candidates.

(5) The following procedure shall be adopted in conducting the election -

(a) If only one candidate has been nominated, there shall be no balloting and such candidate shall be deemed to have been elected, provided that the number of Councillors present and entitled to vote is not m less than 50 per cent of the total strength of the Council.

(b) If two or more candidates have been nominated, the votes shall be recorded as follows -

Every Councillor wishing to vote shall, at the meeting write on a slip of paper his name and place it inside the envelope to be furnished to him by the Presiding Officer The envelope shall have on the face of it printed or legibly written the names of the candidates notified under Rule (3) The Presiding Officer shall after seeing that the name of the Councillor is properly entered in the slip close the envelope, seal or sign across the flap and return it to

name or names of the candidates for whom he does not vote, retain the

Councillor who shall then go into a private room provided for the purpose, score out the name of the candidate for whom he votes and himself drop, without the presiding officer seeing for whom he has voted, the envelope in-to the ballot box. The Presiding Authority shall then open the box and count the votes in the presence of the Council. Any ballot paper on which the names of more candidates than one are retained shall be invalid.

(c) If there are only two candidates and both of them have secured an equal number of votes the proceedings shall be closed.

(d) If there are more than two candidates and no one of them has secured a majority of votes required by Rule (4), the ballot shall be repeated. At each successive ballot, the candidate who obtained the fewest votes at th preceding ballot shall be eliminated and he shall then be eligible to vote. If two or more candidates lowest on the list have obtained an equal number of votes, a separate ballot shall be taken in order to decide which of them should be eliminated. The elimination shall, if no candidate secures the prescribed majority of votes, be made until two candidates only are left. If the two candidates left after the elimination secure an equal number of votes the ballot shall not be further repeated.

(e) If only one candidate has been nominated and he is deemed to have been elected under paragraph (a) *supra*, or if

as a result of the ballot any one of the candidates has secured a majority of the votes as required by Rule (4), the election of such candidate shall not take effect until the Government have notified their approval of the same.

Rule VIII
No change

(6) Immediately after the Meeting the proceedings shall be submitted to Government for orders with the names of all the Councillors who attended the Meeting.

Rule (IX) with verbal alterations.

(7) The validity of any election may be contested by a petition signed by at least three Councillors and submitted so as to - reach the Secretary to Government in charge of the Local Self Government Department within seven days from the date of the election and specifying the grounds on which the validity of the election is contested.

Rule (X) with verbal alterations.

(8) Upon receipt of such petition, the Government may cause enquiry into the allegations contained therein to be made by a Board consisting of-

(a) The Deputy Commissioner of the District
(b) Another officer appointed by the Govt.
& (c) A non-official Councillor deputed by the Municipal Council.

or consider the allegations themselves and pass such orders as they may think fit. ~~and all such orders shall be final.~~

(XI) The election shall be subject to the approval of Govt.

(9) In the event of no election being made within the prescribed period or in the event

55

xi amended to fit in revised Rule (5)

of an election held not being approved by Government or in the event of two candidates securing an equal number of votes, Government may appoint the President or the Vice Presiden as the case may be, or may order a fresh election.

By order

Secy to Govt
L & L Depts

To The Compiler, Mysore Gazette for publication with the request that 150 Copies in English & 250 Copies in Kannada may be supplied to the Secretariat

Government of His Highness the Maharaja of Mysore.
General and Revenue Secretariat.

3957
Mel 56-24-44

Bangalore, dated the 28th November 1944.

NOTIFICATION

Under Clause (a) of Sub Section (2) of Section 33 of the Municipal Regulation, 1926 as amended by Regulation, V of 1944 in supersession of the existing rules on the subject, of His Highness the Maharaja are pleased to make the following rules to regulate the election of the President and the Vice President of a City Municipal Council when the Government have directed that one or both of those office-bearers be elected by the Council:—

(1) The election shall take place—

(a) at the ordinary meeting of election in question among the members of an ordinary Council, at a meeting of the Council held not later than two months from the date of the Government Order granting the privilege;

(b) when an elected President or Vice President vacates office on the expiry of the term of the Council, at a meeting of the reconstituted Council held not later than one month from the commencement of the term of that Council;

(c) when the office of an elected President or Vice President becomes vacant under Sub Section (7) of Section 33 of the Regulation, at a Meeting of the Council held not later than two months from the date of occurrence of the vacancy, and

(d) when a fresh election is ordered under Rule (9) below, at a Meeting of the Council held not later than two months from the date of such order;

provided that at least 15 days and not more than 30 days' notice of every such meeting shall be given stating the said

time being, or in his absence by the Vice President, or, in the absence of both of them, by the Municipal Commissioner or the Chief Executive Officer of the Municipal Council.

(2) Every candidate for the office of President or Vice President shall be nominated after the issue of such notice by at least two non-official members of the existing or reconstituted Council, as the case may be, in the following form which shall be sent to the Municipal Commissioner or the Chief Executive Officer of the Municipal Council at least 7 days before the date of the meeting at which the election is to take place.

Municipality of .....

We, the undersigned, nominate..... as a candidate for the office of President or Vice President at the election to be held on the.....day of..... .....192..

Date..... Signed.....

Signed.....

(3) The names of candidates shall be notified at the Municipal office at least 5 days before the day fixed for holding the election.

(4) The voting shall be by ballot and the election shall be decided by a majority of votes of the Councillors voting at the Meeting; provided that the number of Councillors present and entitled to vote shall not be less than 50 per cent of the total strength of the Council.

No Councillor who is a Government servant and no candidate nominated for the office shall take part in the ballot. But a candidate may withdraw his candidature at any stage with or without the consent of his nominators and if he does so he shall then be competent to take part in the ballot.

(5) The following procedure shall be adopted in conducting the election:-

been

be an [illegible] shall be deemed to have elected,
[illegible] the number of Councillors present and entitled to -
[illegible] one cent of the total strength of the --
[illegible]

[illegible] If two or more candidates have been employed, the votes
[illegible]

"[illegible] Councillor wishing to vote shall, at the meeting --
[illegible] a slip of paper his name and place it inside the envelope
[illegible] by him by the Presiding Officer. The envelope -
[illegible] have on the face of it printed or legibly written the names
[illegible] candidates mentioned in Rule (5). The Presiding Officer
[illegible] after ensuring that the name of the Councillor is properly --
[illegible] in the slip along the envelope, seal it or mark across the
[illegible] and return it to the Councillor who shall then go into a --
[illegible] provided for the purpose, there cut the name or names
of the [illegible] for whom he does not vote, retain the name of
[illegible] for whom he votes and himself drop, without the Re-
[illegible] ensuring for whom he has voted, the envelope into
ballot box. The Presiding Authority shall then open the
count the votes for the purpose of the Council. Any ball-
on which the names of more candidates than are entitled
be invalid.

(5) If there are only two candidates and both of them as -
[illegible] an equal number of votes the proceedings shall be

(6) If there are more than two candidates and no one [illegible]ment.
has secured a majority of votes required by Rule (4). the h --
[illegible] be repeated. At such successive ballot, the candida[illegible] by
[illegible] the fewest votes at the preceding ballot shall be
[illegible] and he shall then be eligible to vote. If two or more
[illegible] have secured on the list have obtained an equal number [illegible]tion.
a separate ballot shall be taken in order to decide which
should be eliminated. The elimination shall, if no one
secures the prescribed majority of votes, be made until [illegible]nt,
[illegible] candidates only are left. If the two candidates left afte[illegible]rutinents
[illegible] an equal number of votes the ballot s

a) If [redacted] has been nominated and he is declared [redacted] or if as a result of the ballot [redacted] of the candidates has secured a majority of the votes required by Rule (4), the election of [redacted] may not take effect until the Government have remitted their [redacted] of the sum.

(b) Immediately after the Meeting the [redacted] shall be subject to supplement [redacted] the Councillors the aforesaid Meeting.

(7) The validity of any election may be contested by a petition signed by at least three Councillors and submitted so as to reach the Secretary to Government in charge of the Local Self - Government Department within seven days from the date of the election and specifying the grounds on which the validity of the election is contested.

(8) Upon receipt of such petition, the Government may cause - enquiry into the allegations contained therein to be made by a - Board consisting of—

(a) The Deputy Commissioner of the District.

(b) Another officer appointed by the Government, and

(c) A non-official Councillor deputed by the Municipal Council

[redacted] the allegations themselves and pass such orders as - [redacted] may think fit.

[redacted] election shall be subject to the approval of Government. [redacted] of an election being made within the prescribed — [redacted] in the event of an election held not being approved by [redacted] or in the event of two candidates securing an equal [redacted] votes, Government may appoint the President or [redacted] - Vice President as the case may be, or may order a fresh election.

By Order,

Jan Date

Secretary to Government,
Local and Legislative Departments

[redacted] r publication with